

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 BENEFIT, EMPLOYMENT AND SUPPPORT SERVICES
DIVISION

CHAPTER 656.2

OTHER FAMILY ASSISTANCE PROGRAMS

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SUBCHAPTER 1

GENERAL PROVISIONS

§17-656.2-1 Purpose. The purpose of this chapter is to establish the eligibility requirements that applicants or recipients shall meet to receive assistance under one of the other family assistance programs offered by the department. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-2 Definitions. For the purpose of this chapter:

"Adult" means a person age eighteen or over who is not a dependent child, or if under age eighteen is an independent minor parent living with the AFDC child.

"Aid to families with dependent children (AFDC)" means the financial assistance program administered by the DHS-BESSD under section 402(a)(4) of the Social Security Act (42 U.S.C. §§601, 603, 604, 606, 607, 608, 609, 610, 611, 619, and 1308).

"Assistance unit" means persons whose needs, income, and assets are considered in determining eligibility and the amount of financial assistance.

"Employer" means a non-profit or a for-profit organization that will serve as the source of employment.

"Full-time employment" means employment of thirty-two hours per week or one hundred and thirty-eight hours per month.

"Grant +" means the program in which an assistance unit's monthly grant will be diverted to an employer to be issued to the participant as earned income in exchange for employment.

"Household" means all members of the assistance unit and excluded standard filing unit members as defined in sections 17-647-12, 17-656.1-15, 17-656.1-16, and 17-656.1-17.

"Non-exempt household" means a household in which at least one adult member (including adults required to be included in the household as specified in section 17-656.1-17) is not an exempt adult as defined in section 17-656.1-2.

"Participant" means an adult in a federally funded aid to families with dependent children or a state funded aid to families with dependent children non-exempt household who agrees to participate in the Grant + program.

"Payment month" means the calendar month for which the department shall issue or provide benefits.

"Primary adult" means the adult with the greatest number of time eligible months.

"Primary residence" means the single residence designated as the child's home.

"Prospective budgeting" means the department's best estimate of the income and circumstances that will exist in a calendar month. In this case the payment and budget month are the same.

"Time eligible month" means a month a non-exempt household received AFDC benefits.

"Unapproved absence" means any absence determined by the employer to be unapproved for all other employees in a similar position.

"Work mandatory adult" means any adult who is required to participate in work activities under the federally funded or state funded aid to families with dependent children programs. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; P. L. No. 104-193 (1996); 45 C.F.R. §§260.20, 260.31)

§17-656.2-3 Categorical program requirements. A household may be eligible for benefits under one of the family assistance programs specified in this chapter if the following categorical requirements are met:

- (1) At least one member of the household is a needy child as specified in section 17-656.1-6, including an eligible child who is excluded as specified in section 17-656.1-17 (a);
- (2) The needy child is living with one of the relatives specified in section 17-656.1-7 (b) in

a primary residence maintained as the child's own home;

- (3) All household members meet social security number, residency, and citizenship requirements as specified in chapter 17-655; and
 - (4) The household has fulfilled child support assignment requirements and is cooperating in obtaining child, spousal, and medical support as specified in chapter 17-653.
- [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-4 to 17-656.2-6 Reserved

SUBCHAPTER 2

EMPLOYMENT SUBSIDY PROGRAM

§17-656.2-7 Purpose. The purpose of this subchapter is to establish the eligibility requirements and benefits of the employment subsidy program. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-8 General eligibility requirements. (a) The household shall meet the categorical eligibility requirements specified in subchapter 1.

(b) The household shall be determined to be a non-exempt household as defined in section 17-656.2-2.

(c) The household shall have exhausted the sixty-month time limit specified in section 17-656.1-3. In addition, a minimum of twelve of the sixty months shall have been received from the state of Hawaii.

(d) The household's countable income and resources shall be in accordance with chapters 17-675 and 17-676.

(e) The household's personal reserve shall not exceed \$5,000 as specified in section 17-675-7(a).

(f) The household's total monthly gross income shall not exceed one hundred and eighty-five per cent of the

household's standard of need as specified in section 17-680-8.

(g) At least one adult in the household shall be employed a minimum of twenty hours per week or eighty-six hours per month.

(h) Eligibility shall be limited to a one time only period of twenty-four consecutive months beginning the month following the sixtieth time eligible month.

(i) The twenty-four month period shall be assigned to the primary adult in the household.

[Eff 10/18/01, am 12/31/01, am 6/29/02] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-9 Determining program eligibility. (a) An eligibility determination shall be made immediately upon termination of financial assistance due to the sixty-month time limit specified in section 17-656.1-3.

(1) A new application shall not be required.

(2) Current verification of resources, monthly income and monthly hours of employment shall be required.

(b) An assistance unit whose eligibility has expired due to the sixty month time limit that is determined ineligible for the employment subsidy program beginning the sixty-first month, shall submit an application to be reconsidered for eligibility after the sixty-first month. An application may be received and eligibility established at any time during the set twenty-four month period.

(c) An eligible household shall be subject to monthly reporting requirements as specified in chapter 17-650, but shall not be subject to an annual eligibility redetermination as specified in chapter 17-648. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-10 Benefit determination. (a) A household that meets all the categorical, general, and program requirements specified in sections 17-656.2-3, 17-656.2-8, and 17-656.2-9 shall be eligible for an

employment subsidy payment of two hundred dollars per month for each adult household member who is employed a minimum of twenty hours per week or eighty-six hours per month.

(b) Eligibility shall continue for each month that requirements are met, but shall not exceed twenty-four consecutive months.

(c) Eligibility shall be determined monthly based on the best estimate of the assistance unit's composition, resources, income, and hours of employment that will exist in the payment month.

(1) The best estimate of monthly gross income shall be based on income that is anticipated to be received on a regular basis in the payment month. Fluctuations in pay schedules, work schedules, and overtime pay shall not be used to determine eligibility.

(2) The best estimate of whether an adult will meet the employment requirement of twenty hours per week or eighty-six hours per month, shall be based on the adult's regularly scheduled hours of employment. Fluctuations due to vacation leave, sick leave or a temporary decrease in hours for other reasons shall not be used to determine eligibility.

(d) An employment subsidy payment that is paid out based on the department's best estimate of circumstances that will exist in the payment month shall not be subject to overpayment and recovery provisions specified in chapter 17-683, except when there is evidence that the household withheld information without good cause that would have affected program eligibility. [Eff 10/18/01, am 6/29/02] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-11 to 17-656.2-13 Reserved

SUBCHAPTER 3

GRANT +

§17-656.2-14 Purpose. The purpose of this subchapter is to establish the requirements of the Grant + program. An organization may participate by employing public assistance recipients. The recipient's monthly assistance grant will be diverted to the organization to pay a portion of the recipient's wages. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-15 General eligibility requirements. (a) The following general eligibility requirements shall be met:

- (1) A household shall meet the categorical eligibility requirements as specified in subchapter 1.
 - (2) A work mandatory adult in a non-exempt household shall be eligible to participate.
 - (A) A non-exempt household shall not have exhausted the time limited sixty months of AFDC benefits as specified in section 17-656.1-3.
 - (B) When there is more than one work mandatory adult in the household, only one adult may participate. The household shall determine which adult will participate.
- (b) Participation in Grant + is voluntary. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-16 Program eligibility requirements. (a) An AFDC recipient who wishes to participate in the Grant + program shall sign an agreement with the department that specifies the participation requirements.

- (1) The agreement shall be entered into at the time the department initially refers the participant to the employer.
- (2) Failure of the participant to comply with the agreement without good cause shall be good cause for the employer to terminate participation in the program.

(b) An employer who wishes to participate in the Grant + program shall complete a memorandum of agreement with the department.

- (1) The memorandum of agreement shall be current and shall be signed by personnel authorized to sign on behalf of their respective parties.
- (2) The requirements of the department, the participant, and the employer shall be set forth.
- (3) Failure of the department to comply with the memorandum of agreement shall be good cause for the employer to terminate participation in the program.
- (4) Failure of the employer to comply with the memorandum of agreement shall be good cause for the department to refuse payment and terminate participation with the employer.

(c) The employer shall select participants to be employed.

(d) A participant shall not participate for more than twelve months unless the department determines the participant is eligible for an extension not to exceed six months as follows:

- (1) The participant will qualify for a job opening with the same employer within the next six months;
- (2) The participant has a firm job offer from an employer that will be available in the next six months; or
- (3) The prescribed training for the participant's position exceeds twelve months but can be completed in eighteen months.

(e) The participant shall be sanctioned for failure to participate without good cause, pursuant to chapters 17-684 and 17-794.

(f) The participant shall remain eligible throughout the designated period of employment unless:

- (1) The household no longer meets the categorical requirements of subchapter 1;
- (2) The assistance unit's total resources exceed the personal reserve standard; or
- (3) The participant is no longer work mandatory.

(g) Participation in Grant + shall end effective the first of the month following the month the participant is determined ineligible.

(h) Earnings shall be budgeted prospectively for two months beginning the month following the month that participation in Grant + ends.

(i) Overpayments resulting from the participant's ineligibility for the Grant + program shall be recovered from the participant.

(j) Each month of participation in Grant + is exempt from the time limits defined in section 17-656.1-2 and shall not be counted toward the assistance unit's sixty months of AFDC benefits.

(k) The participant's household shall be exempt from the monthly reporting requirements as specified in chapter 17-650 but shall be subject to the annual eligibility redetermination as specified in chapter 17-648. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-17 Participation requirements. Each participant shall:

- (1) Work a minimum of thirty-two hours a week for an organization;
- (2) Accept \$650 per month as full assistance payment;
- (3) Accept family medical coverage from the employer if it is available at no cost to the participant; and
- (4) Agree to have their monthly assistance grant issued to an employer in exchange for employment. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-18 Benefit determination. A participant that has met the requirements of this subchapter shall have the Grant + payment determined as follows:

- (1) The Grant + payment shall be considered full payment of the monthly assistance grant, except for the first month of participation. The Grant

- + payment shall be equal to \$650 a month regardless of household size.
 - (2) The participant shall receive their full assistance grant in the first month of participation and a Grant + payment will be made to the employer for the participant's first month of participation.
 - (3) The Grant + payment shall be:
 - (A) Paid to the employer.
 - (B) Issued after the department receives an invoice from the employer.
 - (C) Prorated by the number of days worked for months of partial participation resulting from new participation, termination of participation and unapproved absences.
- [Eff 10/18/01] (Auth: HRS §346-14)
(Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-19 Notice requirements. (a) An adequate notice as defined in chapter 17-649 shall be sent to the household as follows:

- (1) To divert the payment from the household to the employer;
- (2) To change the payment to \$650 regardless of household size; or
- (3) To restore financial assistance to the standard of assistance as the recipient is no longer participating in Grant +.

(b) Except as specified in subsection (a), a timely and adequate notice as specified in chapter 17-649 shall be sent to the household. [Eff 10/18/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-20 to 17-656.2-22 (Reserved)

SUBCHAPTER 4

SELF-SUFFICIENCY PROGRAM

§17-656.2-23 Purpose. The purpose of this subchapter is to establish the requirements of the self-sufficiency program. Eligible households shall be paid monthly benefits in a lump-sum payment to be used for a specific purpose that will lead to self-sufficiency. [Eff 12/31/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-24 General eligibility requirements.

(a) With the exception of the child and spousal support requirement, a household shall meet the categorical eligibility requirements as specified in subchapter 1.

(b) The countable resources of the assistance unit shall be determined in accordance with chapter 17-675 and shall not exceed the personal reserve standard of \$5,000.

(c) The countable income of the assistance unit shall be determined in accordance with chapter 17-676. [Eff 12/31/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-25 Program eligibility requirements. (a)

To receive monthly benefits in a lump-sum payment as a self-sufficiency payment a household shall make a request in writing. The request shall specify the following:

(1) A planned use for the money that demonstrates that it can be reasonably anticipated to lead to self-sufficiency; and

(2) The payment will be used for a legal purpose.

(b) A household, as defined in section 17-656.2-2, shall include at least one adult who is not exempt as defined in section 17-656.1-2.

(c) One adult in the household shall have a work history of at least six months in the thirty-six months prior to the month of request for a self-sufficiency payment.

(d) The total number of months used to determine the self-sufficiency payment shall not exceed the number of time eligible months remaining for the household.

(e) The assistance unit must be eligible for an AFDC payment in the month the self-sufficiency payment is issued.

(f) The family shall be issued a self-sufficiency payment only once in the time limited sixty-months of AFDC benefits.

(g) A self-sufficiency payment shall not be counted toward the household's sixty months of AFDC benefits.

(h) An eligible household shall be exempt from the monthly reporting requirements and the annual eligibility redetermination provisions as specified in chapters 17-650 and 17-648 respectively. [Eff 12/31/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-26 Benefit determination. (a) A household that has met the requirements of this subchapter may request a self-sufficiency payment equaling three months, six months, or eight months of benefits.

(b) The total number of months used to determine a self-sufficiency payment shall not exceed the number of time eligible months remaining for the household.

(c) A household shall have the self-sufficiency payment determined as follows:

(1) For applicants, the self-sufficiency payment shall equal the amount of the first eligible full monthly AFDC payment multiplied by the number of months of benefits being requested.

(2) For recipients, the self-sufficiency payment shall equal the amount of the AFDC payment for the month following the month a self-sufficiency payment is requested multiplied by the number of months being requested.

(d) The self-sufficiency payment shall not be adjusted regardless of changes in circumstances or household size.

(e) When a self-sufficiency payment is issued, the assistance unit shall be ineligible for financial assistance from the month that is used to compute the self-sufficiency payment in subsection (c). The assistance unit shall be ineligible for the following periods:

(1) Five consecutive calendar months for a payment equaling three months of benefits.

(2) Nine consecutive calendar months for a payment equaling six months of benefits.

(3) Twelve consecutive calendar months for a payment equaling eight months of benefits.

(f) The ineligible period shall not be adjusted regardless of changes in circumstances or household size.
[Eff 12/31/01] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-27 to 17-656.2-30 (Reserved)